

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

WALTER F. SCOTT, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )                      Case No. 4:08CV01296 ERW  
                        )  
SUBURBAN JOURNALS OF GREATER )  
ST. LOUIS, LLC,       )  
                        )  
Defendant.           )

**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiff's Motion for Leave to Amend Complaint to Join Indispensable Parties and to Add Count II [doc. #78] and Plaintiff's Motion for Extension of the Case Management Order [doc. #83]. A hearing was held on June 25, 2009, and the Court heard arguments from the Parties on these Motions.

Plaintiff asks the Court for leave to file his fifth amended complaint. Plaintiff asks to amend his complaint to add a claim for tortious interference, to join St. Louis Post-Dispatch, LLC and Pulitzer, Inc. as defendants, and to join his corporation, Atrium Construction and Investments as a plaintiff.

Defendant states that this Motion should be denied because Plaintiff has already filed four amended complaints in the last eight months. In response, Plaintiff asserts that most of these amendments were filed before Defendant appeared in this action. Leave to amend a complaint "shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). Absent good reason for denial, such as undue delay, dilatory motive, undue prejudice, or bad faith, a request for leave to amend should be granted. *Thompson-El v. Jones*, 876 F.2d 66, 67 (8th Cir. 1989). After considering the Parties' arguments, the Court will allow Plaintiff leave to amend his complaint this

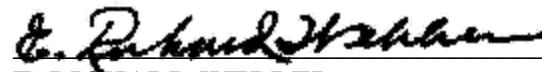
final time. Plaintiff will not be permitted any subsequent amendments to add parties or claims to this lawsuit.

Plaintiff's second Motion asks that the Court extend the case management order. Plaintiff is referring to the case management order that was in effect when this case was before Judge Shaw. However, when Judge Shaw recused himself from this action, he vacated the trial date and the dates in the previous case management order are no longer in effect. As a result, the Court will deny this Motion, as moot. A case management order for this action will be entered separately.

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to Amend Complaint to Join Indispensable Parties and to Add Count II [doc. #78] is **GRANTED**. Plaintiff must file his amended complaint by **July 30, 2009**.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Extension of the Case Management Order [doc. #83] is **DENIED, as moot**.

Dated this 25th Day of June, 2009.



---

E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE